THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.18972 OF 2006

DATE: 14-12-2006

Between:

1. Smt. B.Laxmi, w/o late B.Mallaiah,
   aged 73 years, household, resident of
   H.No.21-83, Venkatapuram,
   Post: thirmalgherry, Secunderabad-15
   and 5 others.

… Petitioners.

And

1. The Commissioner, Alwal Municipality,
   Alwal, Ranga Reddy District and 3 others.

… Respondents.

* * *

ORDER:

The writ petition is filed for a writ of Mandamus declaring the inaction on the part of the respondents 1 and 2 in not taking/preventing action for illegal constructions in the land bearing S.No.391/A, admeasuring Ac.16.35 gts., situated at Alwal village and Municipality, R.R. District, as illegal, arbitrary and contrary to the provisions of the A.P. Municipalities Act and pass such other suitable orders.

2. Heard Sri V.V.N. Narayana Rao, learned counsel representing the petitioners and Sri Polisetty Radhakrishna, learned counsel representing R-1.

3. Several factual details are narrated in the affidavit filed in

support of the writ petition in paragraphs 2 to 8. It is also stated that several representations were made on 06.9.2005, 10.02.2006 and 08.9.2006 ventilating the grievances in this regard. It is also stated that even after the filing of writ petitione, a representation in detail was made on 20.11.2006 in this regard.

4. In the counter-affidavit filed by the first respondent at paragraph 6 it is stated that survey No.391/A falls in Alwal Municipality and there is no layout sanctioned for the area. It is also further stated that it is incorrect to state that the land grabbers are allowing illegal constructions. On the representation of the petitioners, the works were also stopped several times apart from taking action under Section 228 of the A.P. Municipalities Act, 1965, and no such constructions are being allowed.

5. In the light of the facts and circumstances and in view of the specific stand taken in the counter-affidavit at paragraph 6 referred to supra, this court is of the considered opinion that the writ petition be disposed of directing the first respondent to look into the grievance of the petitioners as ventilated in their representations referred to supra and take further appropriate action if need be apart from the stand which they had taken in paragraph 6 of the counter-affidavit.

6 With the above directions, the writ petition is disposed of. No order as to costs.

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P.S.NARAYANA, J.

Date: 14th December 2006.

Note:

Issue CC by three days.

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BSB